MONTANA LEGISLATIVE HISTORY

Chapter 413 19 73

Bill H 135 S _____ Original bill & history ✓ C

H. Committee on	Local Government		S. Committee on	Local Government	
Hearing Date(s)	Jan 19	✓ C	Hearing Date(s)	Feb 22	✓ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	Jan 19	✓ C		Feb 22	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

January 19, 1973
Proceedings of the
Local Government Committee

The meeting was called to order at 8:00 by Chairman Kosena; the secretary called roll, absent were Representatives Cox, Kimble, Roberts, Schepens. Excused were Representatives Holtz and Mehrens.

HOUSE BILL 135: Representative Kendall introduced the bill and explained to the committee that the bill simply authorizes cities and towns being able to hold an election without first signing a petititon and getting enough people to sign it. Dan Mizner, Montana League of City and Towns told the committee that last year six county commissioners and six city mayors held five meetings along with him trying to solve the problems of emergency elections. Mr. Mizner explained that these elections dealt with revenue bonds when you are dealing with federal money and being able to vote before the federal government deadline. Mr. Walter Andersen, city manager for the city of Helena told the committee of how one year age the city of Helena was issued some federal money and for sewer protection and there had to be a bond issue on it. Before they could vote on it they had to get a petition and get enough people to sign it. He said they only had enough time to get the petititons signed and if they hadn't had enough signatures they would have lost the money. After little discussion the committee voted on a unanimous DO PASS.

HOUSE BILL 136: Representative Kendall explained the bill to the committee telling them the bill just was the same as House Bill 135 but instead of this applying to cities it applied to counties. Mr. Dean Zinnicker of the Montana County Commissioners told the committee that they went along with thisbut liked the increase of funds from 10 thousand dollars to 60 thousand dollars. The question was raised as to why such an increase and Mr. Zinnicker answered the committee that it was in the constitution and for that reason it could not be raised but by the cost of inflation it has been raised to 60 thousand dollars. The committee then gave a vote of a unanimous DO PASS.

HOUSE BILL 139: Introduced by Representative Greeley. He told the committee this is a bill brought up because of the situation that occurred up in Great Falls when there were something like 60 people running for five spots for county commissioners so he explained that the purpose of this bill was when there are only ten people running for five spots a

NAME Hank Hanson BILL NO. 135-36 38-39

ADDRESS Helena DATE

WHOM DO YOU REPRESENT? Mont League of Cities & Towns

SUPPORT? X OPPOSE? AMEND?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SENATE COMMITTEE

ON

LOCAL GOVERNMENT

MINUTES
15TH MEETING
FEB. ~~20~~ 22, 1973

This meeting of the Local Government Committee was called to order at 11:00 a.m. by Chairman Thiessen.

Roll call was taken. Quorum present. ROLL CALL

SENATE BILL 191 - Deals with improvements in lighting districts. Had been discussed at length in a previous meeting. Senator Hall explained that the bill had been re-referred to Committee, but because it needed to be amended, she recommended that it be held over until the 1974 session, and so moved. The committee concurred unanimously and the bill was HELD OVER. SB 191

HOUSE BILL 135 - Introduced by Representative Kendall. This bill would abolish the need for prior petitions for elections and do away with an election for revenue bonds. Representative Kendall said the petition would serve no good, was time consuming and cost extra money. HB 135

Speaking in support of the bill was Dan Mizner, Montana League of Cities and Towns, who said petitions required generating a larger bond issue to pay for the cost of the election and there was no savings in having an election to issue a revenue bond. TESTIMONY

Senator Harrison moved the bill be concurred in and Senator Klindt seconded the motion. By a unanimous vote the bill was CONCURRED IN.

HOUSE BILL 136 - Representative Kendall explained that this bill is a companion to HB 135. It deals with the same thing, but affects counties. The second section of the bill provides for a raise from 10 to 40 thousand dollars - the amount the commissioners can borrow without going to the people. The figure of 10 thousand dollars, he explained, was set over 50 years ago. HB 136

Dean Zinnecker, representing the county commissioners, concurred, saying the bill would eliminate one additional cost to the counties for elections.

Senator Harrison moved to amend the bill line, 10 on page 17 by adding the phrase "and increasing authority to borrow money"; the motion was seconded by Senator James and concurred in unanimously. CONCURRED IN AMENDMENT TO HB 136

Senator Klindt moved the bill, as amended, BE CONCURRED IN; seconded by Senator Aber.

act and not in conflict with it continue in effect until modified, superseded or repealed.

Section 28. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those other states which enact it.

Section 29. Practitioners who fail or refuse to register as required by this act, shall be guilty of a misdemeanor and upon conviction therefor may be fined not to exceed one thousand dollars ($1,000) or imprisoned in the county jail not to exceed one (1) year, or both.

Section 30. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 31. The laws specified below are repealed except with respect to rights and duties which matured, penalties which were incurred and proceedings which were begun before the effective date of this act: sections 54-129, 54-130, 54-131 and 66-1504.1, R.C.M. 1947.

Section 32. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: March 21, 1973.

CHAPTER NO. 413

An Act Authorizing Cities and Towns to Hold Elections on the Issuance of General Obligation Bond Issue Without There First Having Been Filed a Petition Calling Such Election; Authorizing the Issuance of Revenue Bonds Without an Election; Amending Sections 11-2301, 11-2306 and 11-2404, R.C.M. 1947; and Repealing Section 11-2307, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-2301, R.C.M. 1947, is amended to read as follows:

"11-2301. **Creation of indebtedness—submission to taxpayers.** Whenever the council or commission of any city or town having a corporate existence in this state, or hereafter organized under any of the laws thereof, shall deem it necessary to issue bonds *pledging the general credit of the municipality* for any purpose whatever, under its powers as set forth in any statute or statutes of this state, or amendments thereto, the question of issuing such bonds shall first be submitted to the electors of such city or town who are qualified to vote on such question, in the manner hereinafter set forth; provided, however, that it shall not be necessary to submit to such electors the question of issuing refunding bonds to refund bonds theretofore issued and then outstanding; *or the question of issuing revenue bonds not pledging the general credit of the municipality under any laws of this state;* provided further that no refunding bonds shall be issued unless such refunding bonds shall bear interest at a rate of at least one-half of one per cent (½ of 1%) less than the interest rate of the outstanding bonds to be refunded. In order to issue bonds to refund bonds theretofore issued and outstanding it shall only be necessary for the council, at a regular or duly called special meeting, to pass and adopt a resolution setting forth the facts with regard to the indebtedness to be refunded, showing the reason for issuing such refunding bonds, and fixing and determining the details thereof, giving notice of sale thereof in the same manner that notice is required to be given of sale of bonds authorized at an election and then following the procedure in this act for the sale and issuance of such bonds."

Section 2. Section 11-2306, R.C.M. 1947, is amended to read as follows:

"11-2306. **Petition for election—form—proof.** No bonds shall be issued by a city or town *pledging the general credit of the municipality* for any purpose, except to fund or refund warrants or bonds issued prior to and outstanding on July first, 1942, as authorized in section 11-2301, unless authorized at a duly called special or general election at which the question of issuing such bonds was submitted to the qualified electors of the city or town, and approved, as hereinafter provided. *Such an* election *may* be called *by the city or town council or commission on its passage of the necessary resolution as hereinafter provided or after* there has been presented to the council *or commission* a petition, asking that such election be held and question submitted, signed by not less than twenty per centum (20%) of the qualified electors of the city or town. Every petition for the calling of an election to vote upon the question of issuing bonds shall plainly and clearly state the purpose or purposes for which it is proposed to issue such bonds, and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may be a separate petition for each purpose, or two (2) or more purposes may be combined in one (1) petition, if each purpose with an estimate of the amount of bonds to be issued therefor is separately stated in such petition. Such petition may consist of one (1) sheet, or of several sheets

identical in form and fastened together, after being circulated and signed, so as to form a single complete petition before being delivered to the city or town clerk, as hereinafter provided. The petition shall give the street and house number, if any, and the voting precinct of each person signing the same.

Only persons who are qualified to sign such petitions shall be qualified to circulate the same, and there shall be attached to the completed petition the affidavit of some person who circulated, or assisted in circulating, such petition, that he believes the signatures thereon are genuine and that the signers knew the contents thereof before signing the same. The completed petition shall be filed with the city or town clerk who shall, within fifteen (15) days thereafter, carefully examine the same and the county records showing the qualifications of the petitioners, and attach thereto a certificate, under his official signature, which shall set forth:

(1) The total number of persons who are registered electors.

(2) Which, and how many of the persons whose names are subscribed to such petition, are possessed of all of the qualifications required of signers to such petition.

(3) Whether such qualified signers constitute more or less than twenty per centum (20%) of the registered electors of the city or town."

Section 3. There is a new section to be numbered 11-2307.1, R.C.M. 1947, which reads as follows:

11-2307.1. When the council or commission of any city or town deems it necessary to issue bonds pledging the general credit of the municipality pursuant to any statute of this state, the council shall pass and adopt a resolution which shall recite the purpose or purposes for which it is proposed to issue such bond, fix the amount of bonds to be issued for each purpose, determine the number of years through which such bonds are to be paid not exceeding the limits fixed in section 11-2303, and unless such bonds are revenue bonds not pledging the general credit of the municipality, making such provisions as are necessary for having the questions submitted to the qualified electors of the city or town at the next general city or town election or at a special election which the council or commission may call for such purpose. In cases where the bond issuances is proposed by petition the council or commission shall before submitting the measure to the electorate pass a resolution containing the information hereinabove required and in addition thereto, setting forth the essential facts in regard to the filing and presentation of the petition.

Section 4. Section 11-2404, R.C.M. 1947, is amended to read as follows:

"11-2404. **Authorization of undertaking—form and contents of bonds.** The acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this chapter, and bonds may be authorized to be issued under this chapter by resolution or resolutions of the governing body of the municipality *without an election or, should the governing body in its sole discretion choose to submit the question to the electorate,* when authorized by a majority of the qualified electors voting upon such question at a special election noticed and conducted as provided in sections 11-2308 to 11-2310, inclusive, and said special election shall be held not later than the next municipal election held after the council or governing body of the municipality has by resolution or resolutions approved the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking as in this chapter provided and ordered said special election.

Said bonds shall bear interest at such rate or rates not exceeding nine per cent (9%) per annum, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, may be payable in such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said bonds shall be sold at not less than par. Said bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof. Unless sold to the United States of America or agency, instrumentality or corporation thereof, said bonds shall be sold at public sale after notice of such sale published once at least five (5) days prior to such sale in a newspaper circulating in the municipality and in a financial newspaper published in the city of New York, New York, or the the city of Chicago, Illinois, or the city of San Francisco, California, except that, in the event the bond issue is in an amount of less than one hundred fifty thousand dollars ($150,000), the bond issue shall be advertised at least five (5) days prior to such sale in daily newspapers circulating in Montana cities of 10,000 population or over, in lieu of advertising in a financial newspaper in New York, Chicago, or San Francisco, and also in a newspaper as specified in section 16-1201 if that newspaper is different from the daily newspapers circulating in Montana cities of 10,000 population or over. Pend-

ing the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this chapter. Said bonds and interim receipts or certificates shall be fully negotiable, as provided by the Uniform Commercial Code—Investment Securities."

Section 5. Section 11-2307, R.C.M. 1947, is repealed.

Approved: March 21, 1973.

CHAPTER NO. 414

An Act Requiring Each Camper to Be Registered and to Display Identifying Number and Decal; Charging each Camper Owner a One Dollar ($1) Fee for Registration of Each Camper; Amending Section 84-406, R.C.M. 1947; and Providing an Effective Date and Penalty.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term camper as used in this act includes but is not limited to truck camper, chassis mounted camper, cab over, half cab over, non cab over, topper, telescopic, and telescopic cab over.

Section 2. No camper, subject to taxation in Montana, shall be operated by any person in the state of Montana on the public highways or streets unless there is displayed in a conspicuous place thereon a decal as visual proof that Montana personal property taxes have been paid thereon for the current year. Application for the issuance of such tax-paid decal shall be made to the department of revenue or the county treasurer upon forms to be furnished for this purpose, which may be obtained from the department or at the county assessor's office in the county wherein the owner resides, and is to provide for substantially the following information: name of owner, address, name of manufacturer, model number, make, year of manufacture, statement evidencing assessment, payment of property tax, and such other information as the department may require. Said application shall be signed by the county treasurer and transmitted by him to the department accompanied by a fee of one dollar ($1). Upon receipt of the application in approved form the department or county treasurer shall issue to the applicant a decal in the style and design prescribed by the department and of a different color than the preceding year, numbered numerically.

Section 3. Operation of a camper in violation of this act is

a misdemeanor punishable by a fine not to exceed fifty dollars ($50).

Section 4. Application must be made to the department of revenue or county treasurer for the issuance of tax-paid decals annually. Campers may be operated between January 1 and February 15 in each year without displaying the current year's decal.

Section 5. Section 84-406, R.C.M. 1947, is amended to read as follows:

"84-406. **Time of assessment — motor vehicles — mobile homes — livestock — snowmobiles.** (1) The assessor must, between the first Monday of March and the second Monday of July in each year, ascertain the names of all taxable inhabitants, and assess all property in his county subject to taxation, except such as is required to be assessed by the state board of equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was at 12 midnight of the first Monday of March next preceding. He must also ascertain and assess all mobile homes arriving in his county after 12 midnight of the first Monday of March next preceding. The procedure provided by this section shall not apply to:

(a) Motor vehicles which are required by subdivision (2) hereof to be assessed as of the first day January; but no mistake in the name of the owner or supposed owner of real property renders the assessment thereof invalid.

(b) Livestock being fed in feeding pens or enclosures which may by subdivision (3) of this section be assessed on an average inventory basis. Credits must be assessed as provided in section 84-101, subdivision 6.

(c) Property defined in section 53-642 as "special mobile equipment" shall be subject to assessment of personal property taxes either on the date that application is made for a special mobile equipment plate, if that date falls between the first day of January and the first Monday of March, or on the first Monday of March.

(d) Mobile homes held by a distributor or dealer of mobile homes as a part of his stock in trade.

(e) Snowmobiles *and campers* which are required by subdivision 4 hereof to be assessed as of the first day of January.

(2) The assessor must ascertain and assess all motor vehicles, except mobile homes, in his county subject to taxation as of January 1 in each year, and the same shall be assessed to the